Foreword

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This issue of the *San Diego International Law Journal* is filled with articles that truly exemplify the diversity of international law. Increasingly, United States courts are looking abroad for possible solutions to domestic legal problems.[1] This issue provides a look into the successes and failures of legal structures from several different foreign nations, and provides a forum for discussion regarding the possible importation of these legal structures to the United States.

Joan T.A. Gabel, Nancy R. Mansfield, Paul von Nessen, Austin W. Hall, and Andrew Jones compare the modern corporate regulatory environments of the United States and Australia in their article *Evolving Regulation of Corporate Governance and the Implications for D&O Liability: The United States and Australia*. The authors use their comparison of Australian and U.S. corporate regulatory environments—which includes an analysis of the climate for Directors and Officers liability coverage—to examine which reforms may be more effective as new corporate scandals emerge worldwide. The article concludes by exploring what the future may hold for American and Australian corporate governance in light of the current credit crisis and beyond.

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1. Jesse J. Holland, *Justice Breyer Says Debate Over International Law Is Irrelevant*, ASSOCIATED PRESS, Apr. 2, 2010, *available at* http://www.law.com/jsp/article.jsp?id=1202447341873&src=EMC-Email&et=editorial&bu=Law.com&pt=LAWCOM%20Newswire&cn=NW_20100402&kw=Justice%20Breyer%20Says%20Debate%20Over%20Foreign%20Law%20Is%20Irrelevant (reporting Justice Breyer's belief that consulting international law sources can be useful in determining the outcome of domestic cases).

A Sense of Duty: The Illusory Criminal Jurisdiction of the U.S./Iraq Status of Forces Agreement by Chris Jenks, examines the Iraq Status of Forces Agreement's use of duty status as a basis for determining which State has primary jurisdiction over U.S. service members for alleged criminal misconduct in Iraq. Ultimately, the article concludes that status-based criminal jurisdiction was borne out of a U.S. belief that the Iraqi judicial system would not adequately protect the rights of U.S. service members. The practice of linking U.S. jurisdiction to ever present duty status might seem to benefit the U.S. by allowing exclusive jurisdiction over its service members, but such an assertion will be viewed as over reaching at best, and the benefits are likely politically impossible to retain.

Jay A. Erstling and Ryan E. Strom's article, *Korea's Patent Policy and Its Impact on Economic Development: A Model for Emerging Countries?*, examines Korean patent policy as exemplified by its patent legislation and the activities of the Korean Intellectual Property Office. The authors explore Korean patent policy, specifically the belief that strong patent protection and a robust well functioning patent office can help promote and sustain healthy economic development. The article concludes with a discussion of the transferability of this policy to emerging—or newly industrializing—countries.

In his article, *The Prohibition of Large Partnerships in Nigerian Company Law: An Essay into Postcolonial Legal Atavism*, C. George Nnona provides a discussion of the doctrinal validity of the Nigerian prohibition of partnerships of more than twenty persons. After an examination of the constitutional validity and assessment of the prohibition's policy justifications, the author concludes that the prohibition lacks doctrinal support in the constitution and that this aside, it also lacks policy justification in light of realities of the economic and social processes.

Shelly Ann Kamei explores the differences between German and American paternity law in her comment, *Partitioning Paternity: The German Approach to a Disjuncture Between Genetic and Legal Paternity with Implications for American Courts*. The author examines the German system of determining paternity and presents possible solutions to existing gaps in the law. The article concludes with a discussion regarding the exportability of the German dual legal paternity system to the United States.

In her comment, *Carbon Down Under—Lessons from Australia: Two Recommendations for Clarifying Subsurface Property Rights to Facilitate Onshore Geologic Carbon Sequestration in the United States*, Tracy J.

Logan discusses the greenhouse gas mitigation technology of geological sequestration and its potential impact on property rights—using the Australian treatment of the issue as a comparative tool. The author concludes by providing two possible recommendations to address the problematic issue of subsurface ownership rights.

The articles in this issue present just a glimpse into the diverse world of international law, but it is clear that the United States should continue to look abroad for legal and political precedent for possible solutions to our nations pressing problems.